

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Meredith Cook,	)	C/A No.: 3:09-2618-JFA
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
Michael J. Astrue,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court upon motion of the plaintiff's counsel, Paul T. McChesney, for attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The plaintiff avers that because she is the prevailing party in this action and because the position of the Commissioner in this action was not substantially justified, she is entitled to fees under the EAJA. The motion is accompanied by a thorough affidavit, setting forth the applicable law and the reasons that the position taken by the Commissioner was not substantially justified. The motion is also accompanied by affidavits of the various attorneys and paralegals who worked on this case, documenting the number of hours spent on the case. The total sought by way of the EAJA is \$7,438.50.

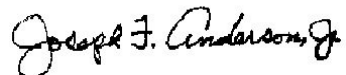
The plaintiff replied to the Commissioner's response indicating that the Commissioner and the plaintiff reached a joint agreement as to the amount of EAJA fees to be paid. The parties have agreed to an EAJA fee of \$6,000. This settlement is acceptable to the court and is hereby approved.

Upon review of the material submitted to the court, the plaintiff's motion for attorney's fees is granted. It is therefore ordered that the Commissioner shall pay to the plaintiff, as attorney's fees under the EAJA, the sum of \$6,000.

Payment of the fees and expenses noted herein shall constitute a complete release from and bar to any and all claims plaintiff may have relating to EAJA fees in connection with this action. This award is without prejudice to the right of plaintiff to seek attorney fees under Section 206(b) of the Social Security Act, subject to the offset provisions of the EAJA. Further, the award of fees should be made payable to plaintiff. *See Stephens ex rel. R.E. v. Astrue*, 565 F.3d 131 (4th Cir. 2009).

IT IS SO ORDERED.

July 18, 2011  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge